

BY Sanan

H. B. No. 1691

A BILL TO BE ENTITLED

AN ACT

relating to regulation of boxing and wrestling by the Texas Department of Labor and Standards; amending Sections 1, 2, 3, 4, 5, 6, 8, 11, 12, 14, and 17c, Chapter 241, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 8501-1, et seq., Vernon's Texas Civil Statutes), and adding Section 8a, and repealing Sections 9, 13, and 17b; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Sections 1, 2, 3, 4, 5, 6, 8, 11, 12, and 17c, Chapter 241, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 8501-1, et seq., Vernon's Texas Civil Statutes), are amended, and Section 8a, is added to read as follows:

"Section 1. (a) The promoting, conducting or maintaining of fistic combat or wrestling matches or exhibitions, boxing or sparring contests or exhibitions for money remuneration, purses or prize equivalent to be received by the participants or contestants, or where an admission fee thereto or therefor is charged or received, shall be lawful in Texas, (~~except-on-Sunday~~) subject to such supervision by the Commissioner of the Texas Department of Labor and Standards (~~Labor-Statistics~~) as the (~~such~~) Commissioner possesses over theatres and employees thereof other than performers and under the further provisions hereof; provided however, that any such contests conducted by educational

1 institutions and/or Texas National Guard units and/or duly  
2 recognized amateur athletic organizations shall be exempt from  
3 the provisions of this Act as specified under Paragraph (b) of  
4 this section.

5 "Sole jurisdiction and authority is hereby vested in the  
6 Commissioner ~~of Labor~~ to enforce the provisions of this Act  
7 regulating the promoting, conducting or maintaining of fistic  
8 combats, wrestling matches or exhibitions, boxing or sparring  
9 contests or exhibitions for money remuneration, purse or prize  
10 equivalent to be received by the participants or contestants; or  
11 where an admission fee thereto or therefor is charged or received,  
12 and he is hereby given specific authority to promulgate such rules  
13 and regulations as shall become necessary in carrying out the  
14 purposes of this Act, and shall have the power of refusal of  
15 licenses or permits to boxers, wrestlers, managers, referees,  
16 match-makers, timekeepers, seconds, promoters or judges if after  
17 investigation applicant or applicants are found to be (of  
18 ~~questionable-character-or~~) not entitled to same under the  
19 provisions of this Act. (~~The-definition-of-the-words-1~~boxer,  
20 ~~1~~wrestler,~~1~~-~~1~~manager,~~1~~-~~1~~referee,~~1~~-~~1~~matchmaker,~~1~~-~~1~~timekeeper,  
21 ~~1~~second,~~1~~-~~1~~promoter,~~1~~-together-with-the-phrases-~~1~~fistic-combat  
22 ~~1~~wrestling-match,~~1~~boxing-contest~~1~~-as-used-in-this-Act-shall-be  
23 accepted-as-defined-by-the-National-Boxing-Association-and-the  
24 National-Wrestling-Association;-and-the-rules-governing-ring  
25 regulations-of-boxing-and-wrestling-contests-or-sparring-contests  
26 or-exhibitions;-their-seconds-and-referees-shall-be-in-accordance  
27 with-those-set-out-by-the-National-Boxing-Association-and-the

1 ~~National Wrestling Association. The definition of the phrases~~  
2 ~~'Amateur Contestant' and 'Amateur Contests' shall be that as set~~  
3 ~~forth by the National Amateur Athletic Union.]~~

4 "If any person, firm or corporation be dissatisfied with  
5 any order, ruling or decision of said Commissioner, such aggrieved  
6 party may within thirty (30) days from the entry of such order,  
7 ruling or decision, appeal therefrom to the District Court of  
8 Travis County, Texas, and such Court may hear and determine such  
9 appeal, in term time or vacation[~~by trial de nove~~]. The  
10 substantial evidence rule shall apply in the appeal. If the  
11 aggrieved party shall prevail by final judgment, a certified copy  
12 thereof shall be presented to the Commissioner who shall comply  
13 with the terms thereof upon the payment of all fees incurred under  
14 the terms of this Act.

15 "(b) None of the provisions of this Act shall be applicable  
16 to or [and] enforced against:

17 "(1) All nonprofit amateur athletic associations chartered  
18 under the laws of the State of Texas including their affiliated  
19 membership clubs throughout the State for the promotion of amateur  
20 athletics.

21 "(2) Any contests or exhibitions between students of such  
22 institutions which are conducted by any college, school or  
23 university as part of the institution's athletic program.

24 "(3) Contests or exhibitions between members of such units  
25 which are conducted by any troop, battery, company or units of  
26 the Texas National Guard [~~or Texas Defense Guard~~]. Provided,  
27 none of the participants in such contests or exhibitions receive

1 a money remuneration or purse or prize equivalent for their  
2 performance or services therein.

3 "Every person, club, organization or association of persons  
4 conducting or sponsoring amateur boxing or wrestling contests  
5 where an admission fee is charged, except those specifically  
6 ~~exempted, (where-an-admission-fee-is-charged)~~ shall be subject  
7 to the tax provision of this Act and shall conduct all wrestling  
8 matches, fistic combats, boxing or sparring contests of amateur  
9 standing under the conditions specified hereinafter.

10 "(1) The sanction and approval of the Commissioner ~~of Labor~~  
11 ~~Statistics~~ shall be secured at least seven (7) days prior to date  
12 of tournaments or contests, and all entries shall be filed with  
13 said amateur organization three (3) days prior to date of the  
14 tournaments or contests.

15 "(2) Such amateur organization shall have the responsibility  
16 of determining and sanctioning the amateur standing or status of  
17 each and every contestant who performs or appears in such amateur  
18 contests or tournaments.

19 "(3) Such amateur organization shall not be required to  
20 secure a license to conduct or promote amateur contests approved  
21 by the Commissioner (~~of Labor-Statistics~~).

22 "(4) Such contests shall be subject to the supervision of  
23 the Commissioner (~~of Labor-Statistics~~) and all profits derived  
24 from such contests shall be used in the development of amateur  
25 athletics.

26 "(5) No one shall be permitted to act as a referee or judge in  
27 amateur contests except a person holding a license or permit from the

1 Commissioner (~~of-Labor-Statistics~~).

2 "(6) All contestants shall be examined by a licensed  
3 physician within a reasonable time before they enter or engage  
4 in contests, and a licensed physician shall be in attendance at  
5 the ringside during the full course of the contests or tournaments.

6 "(7) No boxer, wrestler or manager licensed under this Act  
7 shall participate in any capacity during any amateur show or  
8 exhibition and said participation shall be deemed sufficient  
9 grounds for having his professional license suspended or revoked  
10 by the Commissioner (~~of-Labor-Statistics~~)."

11 "Section 2. The Commissioner (~~of-the-Bureau-of-Labor~~  
12 ~~Statistics~~) shall deposit all moneys received by him from license  
13 and all other fees under the provisions of this Act in the State  
14 Treasury to the credit of the General Revenue Fund of the State.

15 "Section 3. As used in this Act:

16 "(1) 'Person' includes an individual, association, or  
17 corporation.

18 "(2) 'Commissioner' means the Commissioner of Labor  
19 Statistics, i.e. of the Texas Department of Labor and Standards.

20 "(3) 'Professional boxer or wrestler' means a person who  
21 competes for a money prize or purse in a boxing or wrestling  
22 contest, exhibition, or match, or one who teaches, pursues, or  
23 assists in the practice of boxing or wrestling as an occupation  
24 or for pecuniary gain.

25 "(4) 'Exhibition' means a demonstration of boxing or  
26 wrestling skills.

27 "(5) 'Judge' means a person who is at ringside during a

1 boxing or wrestling match and who scores the participants in the  
2 match.

3 "(6) 'Referee' means a person who has general supervision  
4 of a boxing or wrestling match or exhibition, and who is in a  
5 place designated for him in the ring.

6 "(7) 'Promoter' means a person who [~~Each individual, firm,~~  
7 ~~club, copartnership, association, company or corporation which~~  
8 conducts any fistic combat, boxing, sparring or wrestling match,  
9 contest or exhibition ~~(as a promoter within the terms of this~~  
10 ~~Act); provided, that no person may~~ [~~individually, firm, club,~~  
11 ~~copartnership, association, company or corporation, nor any member,~~  
12 ~~shareholder, stockholder, officer, agent or representative of any~~  
13 ~~firm, copartnership, association, company or corporation shall~~  
14 in any manner, either directly or indirectly, act as a promoter  
15 ~~(as herein defined) before or prior to such person,~~ ~~member,~~  
16 ~~shareholder, stockholder, officer, agent or representative]~~  
17 becoming and being a bona fide inhabitant and citizen of the State  
18 of Texas ~~(and each such officer, agent or representative of any~~  
19 ~~such firm, club, copartnership, association, company or corporation~~  
20 ~~shall likewise be a bona fide inhabitant and citizen of the State~~  
21 ~~of Texas, and any person who shall aid or abet any person in~~  
22 ~~endeavoring to act as or become such promoter, and any person so~~  
23 ~~acting without being so qualified shall be deemed guilty of felony~~  
24 ~~swindling and shall be punished accordingly, and the charter or~~  
25 ~~any other business permit of any organization whose officer or~~  
26 ~~officers, agents or representatives shall be so convicted shall~~  
27 ~~thereby be forfeited and their right to conduct such promotion~~

1 ~~or-contests-terminated~~).

2       "(8) The terms 'boxer,' 'wrestler,' 'manager,' 'referee,' 'judge,'  
3 'matchmaker,' 'timekeeper,' 'second,' 'promoter,' 'fistic combat,'  
4 'wrestling match,' 'boxing contest' shall be accepted as defined  
5 by the National Boxing Association and the National Wrestling  
6 Association, and the rules governing ring regulations of boxing  
7 and wrestling contests or sparring contests or exhibitions, their  
8 seconds and referees shall be in accordance with those set out  
9 by the National Boxing Association and the National Wrestling  
10 Association. The definition of the phrases 'amateur contestant'  
11 and 'amateur contests' shall be as set forth by the National  
12 Amateur Athletic Union.

13       "Section 4. No person (~~Before-any-individual,-firm,-club,~~  
14 ~~copartnership,-association,-company,-or-corporation~~) may act as  
15 a promoter of either boxing or wrestling until he has filed or  
16 caused (~~as-herein-defined,-such-promoter-shall-file-or-cause~~) to  
17 be filed with the Commissioner (~~of-Labor~~) at Austin, Texas, on  
18 such form as may be furnished by him a verified declaration or  
19 application, setting forth the true name, age, present actual  
20 residence, and length of time thereof, place where promoter will  
21 operate, and such other information as may be required by such  
22 printed forms when furnished. The (~~;-and-the~~) application filed  
23 with the Commissioner (~~of-Labor~~) shall be accompanied with a  
24 registration or license fee, for which a permit or license may  
25 be issued by the (~~said~~) Commissioner (~~of-Labor~~), for the type of  
26 license applied for, such remittance to be in such form as by law  
27 provided for other remittances to such officer, and the license

1 or (such) registration fee shall be an annual fee to be fixed by  
2 the Commissioner on a uniform scale or basis. [~~Ten Dollars (\$10)~~  
3 ~~for Boxing Promoters License and Ten Dollars (\$10) for Wrestling~~  
4 ~~Promoters License in a city with a population not exceeding seven~~  
5 ~~thousand, five hundred (7,500); Twenty Dollars (\$20) in cities~~  
6 ~~with a population of seven thousand, five hundred and one (7,501)~~  
7 ~~to seventeen thousand, five hundred (17,500) inclusive; Thirty~~  
8 ~~Dollars (\$30) in cities with a population of seventeen thousand~~  
9 ~~five hundred and one (17,501) to twenty-five thousand (25,000);~~  
10 ~~inclusive; One Hundred Dollars (\$100) in cities with a population~~  
11 ~~of twenty-five thousand and one (25,001) to seventy-five thousand~~  
12 ~~(75,000); inclusive; and Two Hundred Dollars (\$200) in a city of~~  
13 ~~more than seventy-five thousand (75,000) inhabitants; and any~~  
14 ~~person or group of persons acting as such promoter without so~~  
15 ~~registering and remitting such license fee, and having in their~~  
16 ~~possession a duly authorized permit, shall be deemed guilty of~~  
17 ~~felony swindling and shall be punished accordingly.]~~

18 "Section 5. (a) No person may conduct, hold, or give a  
19 fistic combat match, boxing, sparring, or wrestling contest or  
20 exhibition, until he has executed and filed with the Commissioner  
21 a good and sufficient surety bond in the sum of \$1,000 subject  
22 to the approval of the Commissioner and conditioned for the payment  
23 of the tax hereby imposed.

24 "(b) The bond is to be in form and kind required of an  
25 administrator of an estate in Texas.

26 "(c) The attorney general may institute suit on the bond  
27 to recover delinquent taxes and the cost incurred in ascertaining



1 the amount and recovery of the tax.

2       "(d) If the promoter conducts contests or exhibitions as  
3 a continuing enterprise or promotion, the bond shall (i) be annual  
4 in effect, (ii) continue in force until the last day of the fiscal  
5 year in which the bond is filed and approved and (iii) run  
6 concurrent with the time for which the license is issued, unless  
7 default be made by the principal or the sureties become  
8 insufficient in the judgment of the Commissioner. (Before any  
9 individual, firm, club, copartnership, association, company, or  
10 corporation may conduct, hold or give any fistie combat, match,  
11 boxing, sparring, or wrestling contest or exhibition, such promoter  
12 shall execute and file with the Commissioner of Labor a good and  
13 sufficient surety bond in the sum of Three Hundred Dollars (\$300)  
14 where the combat is to be held in a city of not more than  
15 seventy-five hundred (7500) population; Five Hundred Dollars  
16 (\$500) where the combat is to be held in a city with a population  
17 from seven thousand, five hundred and one (7,501) to seventeen  
18 thousand, five hundred (17,500), inclusive; Seven Hundred and  
19 Fifty Dollars (\$750) where the combat is to be held in a city  
20 whose population is between seventeen thousand, five hundred and  
21 one (17,501) and twenty-five thousand (25,000), inclusive; One  
22 Thousand Dollars (\$1,000) in cities whose population is in excess  
23 of twenty-five thousand (25,000), subject to the approval of the  
24 Commissioner and conditioned for the payment of the tax hereby  
25 imposed, said bond to be in form and kind required of an  
26 administrator of an estate in Texas, and the Attorney General in  
27 a Court of competent jurisdiction in Travis County, Texas, or any

1 ~~other Court having jurisdiction, may institute suit upon such~~  
2 ~~bond to recover any delinquent tax and the cost incurred in~~  
3 ~~ascertaining the amount and recovery of such tax, provided, if~~  
4 ~~such promoter conducts such contests or exhibitions as a continuing~~  
5 ~~enterprise or promotion, such bond shall be annual in effect and~~  
6 ~~continue in force until the last day of the fiscal year in which~~  
7 ~~same is filed and approved and shall run concurrent with the time~~  
8 ~~for which license is issued, unless default be made by the~~  
9 ~~principal thereof or the sureties thereon become insufficient in~~  
10 ~~the judgment of the Commissioner of Labor,]~~

11 "Section 6. A person who ~~[Each individual firm, club,~~  
12 ~~copartnership, association, company or corporation which]~~ conducts  
13 any fistic combat, boxing, sparring or wrestling match, contest  
14 or exhibition wherein the contestants or participants receive a  
15 money remuneration, purse, or prize equivalent for their  
16 performance or services in same, and/or where an admission fee  
17 is charged or received, shall furnish to the Commissioner of Labor  
18 Statistics at Austin, Texas, within forty-eight (48) hours after  
19 the termination of such match, contest or exhibition, a duly  
20 verified report thereof showing the number of tickets sold, the  
21 various prices received therefor, and the amount of gross receipts  
22 for the total number of tickets sold therefor, and at the same  
23 time shall attach to the Commissioner of Labor's report legal  
24 tender or make proper form of money order or exchange payable to  
25 the State Treasurer in the amount of tax for three per centum  
26 (3%) of the total gross receipts from the sale of tickets of  
27 admission to such contest, which tax shall be deposited to the

1 credit of the General Revenue Fund [~~Boxing and Wrestling~~  
2 ~~Enforcement Fund~~]. No other fee or tax either general or local,  
3 than as herein provided, shall be assessed against or levied upon  
4 any such match, contest or exhibition, contestant or manager, or  
5 promoter thereof."

6 "Section 8. (a) No person may perform as a boxer, wrestler,  
7 manager, referee, judge, matchmaker, timekeeper, or second or  
8 render service for remuneration in contests with or on the same  
9 card with licensed contestants, until he has filed with the  
10 Commissioner on forms promulgated by the Commissioner a certified  
11 application. The application must contain the name, age, present  
12 actual residence, and length of time thereof and other information  
13 required by the Commissioner. The application shall be accompanied  
14 with an annual license fee fixed by the Commissioner on a uniform  
15 scale or basis.

16 "(b) A Deputy Labor Commissioner may appoint necessary  
17 local officials for a single boxing or wrestling show and issue  
18 a license without charge.

19 "(c) The Commissioner shall establish procedures for a  
20 qualified person present at the match to appoint a substitute for  
21 a referee, second, timekeeper, or other officiating person who  
22 fails to present himself at the time of the bout. [Before any  
23 person may perform or act as boxer, wrestler, or manager of such  
24 boxer or wrestler, or matchmaker for a promoter of boxing and  
25 wrestling contests or exhibitions, where such boxer, wrestler,  
26 manager, or matchmaker performs or renders service for money  
27 remuneration purse or prize equivalent, or may appear or perform

1 ~~without remuneration in contests with or on the same card with~~  
2 ~~licensed contestants, such person shall file with the Commissioner~~  
3 ~~of labor at Austin, Texas, on such form as may be furnished by~~  
4 ~~him a verified declaration or application, setting forth the true~~  
5 ~~name, age, present actual residence, and length of time thereof,~~  
6 ~~place where and party with whom filed if other than with the~~  
7 ~~Commissioner of Labor at Austin, Texas, as is herein provided,~~  
8 ~~and such other information as may be required by such printed~~  
9 ~~forms, and the application shall be accompanied with a license~~  
10 ~~fee, such remittance to be in such form as by law provided for~~  
11 ~~other remittances to such officer, and such license fee shall be~~  
12 ~~Five Dollars (\$5) for each boxer or wrestler and Fifteen Dollars~~  
13 ~~(\$15) for each manager of a boxer or wrestler, and Fifteen Dollars~~  
14 ~~(\$15) for each matchmaker for a promoter of boxing and wrestling~~  
15 ~~or otherwise for a boxer or wrestler, provided further that a~~  
16 ~~license good for thirty (30) days only may, upon receipt of proper~~  
17 ~~application, and when approved by the Commissioner of Labor, be~~  
18 ~~issued to a boxer or a wrestler, for a fee of One Dollar (\$1),~~  
19 ~~And it is further provided that each manager shall file with the~~  
20 ~~Commissioner of Labor a copy of each and every contract entered~~  
21 ~~into with a boxer or wrestler, and any person acting or performing~~  
22 ~~without so registering and remitting such license fee shall be~~  
23 ~~deemed guilty of misdemeanor swindling and shall be punished~~  
24 ~~accordingly.~~

25 ~~It is further provided that before any person may perform~~  
26 ~~or act as second to a boxer or wrestler, or timekeeper at a boxing~~  
27 ~~or wrestling contest, or referee of boxing and wrestling contests~~

1 ~~or exhibitions, such person shall file with the Commissioner of~~  
2 ~~labor at Austin, Texas, on such form as may be furnished by said~~  
3 ~~Commissioner, a verified declaration or application, setting forth~~  
4 ~~the true name, age, present actual residence, and length of time~~  
5 ~~thereof, place where and party with whom filed if other than with~~  
6 ~~the Commissioner of Labor at Austin, Texas, as is herein provided,~~  
7 ~~and such other information as may be required by such printed~~  
8 ~~forms, and the application shall be accompanied with a license~~  
9 ~~fee, such remittance to be in such form as by law provided for~~  
10 ~~other remittances to such officer, and such license fee shall be~~  
11 ~~Ten Dollars (\$10) for such referee, provided, however, that a~~  
12 ~~deputy commissioner of labor may appoint a referee for a single~~  
13 ~~boxing or wrestling combat, and issue the license therefor, and~~  
14 ~~said license fee shall be One Dollar (\$1), and Two Dollars and~~  
15 ~~Fifty Cents (\$2.50) for each second and timekeeper, provided,~~  
16 ~~however, that a deputy labor commissioner may appoint said second~~  
17 ~~and timekeeper and other necessary local officials for any single~~  
18 ~~boxing or wrestling combat and issue a license therefor without~~  
19 ~~charge, and provided further that adequate provisions shall be~~  
20 ~~made for some person of proper authority present at the match to~~  
21 ~~appoint a substitute for any referee, second, timekeeper, or any~~  
22 ~~other officiating person who fails to present himself at the time~~  
23 ~~of the bout, and provided further that any person acting in any~~  
24 ~~of the above named capacities or performing without registering~~  
25 ~~and remitting such license fees as are herein required shall be~~  
26 ~~deemed guilty of misdemeanor swindling and shall be punished~~  
27 ~~accordingly.] "~~

1       "Section 8a. Pending investigation of the qualifications  
2 or fitness of an applicant for a license, the Commissioner may  
3 grant an applicant a temporary license to act in the capacity for  
4 which a license is required. The granting of a temporary license  
5 carries no presumption of the qualification or fitness of the  
6 applicant having the temporary license, the temporary license may  
7 be terminated if the application for a license is denied by the  
8 Commissioner. No temporary permit may be issued to a boxer whose  
9 application is not accompanied by eye examination and physical  
10 report from the examining physicians."

11       "Section 11. No person may: (No individual, firm, club,  
12 copartnership, association, company or corporation shall):

13       [(a) Hold or conduct any fistic combat match, boxing,  
14 sparring or wrestling contest or exhibition on Sunday, or]

15       "(1) [(a)] Knowingly permit any person under the age of  
16 eighteen (18) years to participate in any professional fistic  
17 combat match, boxing, sparring or wrestling contest or exhibition;  
18 or,

19       [(c) Knowingly permit any person under the age of twenty-one  
20 (21) years to participate in any professional championship fistic  
21 combat match, boxing, sparring or wrestling contest or exhibition,  
22 or]

23       "(2) [(a)] Permit any gambling or betting or wagering of  
24 any character on the result of, or any contingency in connection  
25 with any fistic combat match, boxing, sparring or wrestling contest  
26 or exhibition, either before or during any such contests; or,

27       "(3) [(a)] Knowingly conduct or give or participate in or

1 permit any sham or fake fistic combat match, boxing, sparring or  
2 wrestling contest or exhibition except it be as a burlesque; or,

3       "(4) [~~(1)~~] Permit any contestant for or participant in any  
4 fistic combat match, boxing, sparring or wrestling contests or  
5 exhibition to enter the same unless such contestant first shall  
6 have been examined on the same day as [~~within two (2) hours prior~~  
7 ~~to~~] entering the ring, by a duly licensed and practicing physician  
8 who is a resident of the state [~~bona fide inhabitant and citizen~~  
9 ~~of the State of Texas~~], nor then, if such physician finds the  
10 facts to be that such contestant is physically unfit to engage  
11 in such contest, and such physician shall so certify in writing  
12 if he finds the fact so to be, and the promoter of such contest  
13 shall deliver such report of examination to the Commissioner [~~of~~  
14 ~~Labor Statistics~~] with the gross receipts tax report, and a duly  
15 licensed and practicing physician who is a bona fide inhabitant  
16 of the State of Texas shall remain in attendance during the entire  
17 time of such match, contest or exhibition; provided, in the event  
18 of an emergency in the nature of one or more of the contestants  
19 failing, refusing or otherwise being unable to perform as scheduled  
20 or agreed, nothing herein shall be construed to prevent the  
21 substitution of another contestant or contestants in place of  
22 those failing or refusing or being unable to perform as scheduled  
23 and any physical examination of a contestant required by this Act  
24 may thus be waived by such contestant upon the latter stating in  
25 writing that he is physically fit; or,

26       "(5) [~~(4)~~] Permit any fistic combat match, boxing or  
27 sparring contest or exhibition for more than ten (10) rounds

1 duration, except in a championship match which shall not exceed  
2 fifteen (15) rounds; or,

3 "~~(6)~~ [~~4~~]" Permit one round of such match, contest or  
4 exhibition to extend for a longer period than three (3) minutes;  
5 or,

6 "~~(7)~~ [~~4~~]" Permit less than one minute intermission between  
7 each round; or,

8 "~~(8)~~ [~~4~~]" Permit any fistic combat match, boxing or  
9 sparring contest or exhibition without the use of padded gloves  
10 of standard make, weighing at least six (6) ounces each, or permit  
11 such gloves worn by each of the opposing contestants to be of  
12 other than equal weight; or,

13 "~~(9)~~ [~~4~~]" Knowingly sell or cause to be sold or issued  
14 for any fistic combat match, boxing, sparring or wrestling contest  
15 or exhibition more tickets or invitations or passes purporting  
16 to admit anyone to such match, contest or exhibition, or otherwise  
17 to admit to the same more persons than are admissible according  
18 to the authorized capacity of the building or the part thereof  
19 actually used for such purpose; or, [~~7~~]

20 "~~(10)~~ Verify or swear to a statement or report required  
21 by this Act containing information known to be false."

22 "Section 12. The Commissioner or a deputy commissioner may  
23 be present at a boxing or wrestling show or exhibition and may  
24 inspect forms or documents required by this Act, and may assist  
25 in the counting of the gross receipts and the preparing of the  
26 report. ~~[The Commissioner of Labor or any Deputy Commissioner~~  
27 ~~of Labor Statistics may be present at any boxing or wrestling~~



1 ~~show or exhibition and may inspect any and all forms or documents~~  
2 ~~to be executed as prescribed by this Act, and may assist in the~~  
3 ~~counting of the gross receipts and the preparing of the report~~  
4 ~~thereon as herein provided, and the original copy of such report~~  
5 ~~together with physician's examination report shall be delivered~~  
6 ~~or mailed to the General Office of the Commissioner of Labor, at~~  
7 ~~Austin, Texas, by the Promoter.] "~~

8 "Section 14. (a) Any person who acts as or aids another  
9 in acting as a promoter without being qualified or who acts as  
10 a promoter without having a valid permit in his possession is  
11 guilty of a Class A misdemeanor.

12 "(b) Except as provided in Subsection (a) of this section,  
13 any person who violates the provisions of this Act is guilty of  
14 a Class B misdemeanor.

15 ~~[Any individual, copartner or officer of such firm, club,~~  
16 ~~copartnership, association, company or corporation who violates~~  
17 ~~any of the provisions of this Act, for which a penalty is not~~  
18 ~~herein otherwise prescribed, shall be guilty of a misdemeanor,~~  
19 ~~and, upon conviction thereof, shall be punished by a fine of not~~  
20 ~~less than Twenty-five Dollars (\$25.00) nor more than Two Hundred~~  
21 ~~and Fifty Dollars (\$250.00), and by the revocation of the license~~  
22 ~~of such violator.] "~~

23 "Section 17c. The Commissioner ~~shall~~ ~~[of labor is hereby~~  
24 ~~empowered and it is hereby made his duty to]~~ promulgate any and  
25 all reasonable rules and regulations which may be necessary for  
26 the purpose of enforcing the provisions of this Law. Any such  
27 rules and regulations, however, which may be promulgated by the

1 Commissioner (~~of-Labor~~) before it shall become effective must be  
2 printed and filed as a public record in the office of the  
3 Commissioner (~~of-Labor~~), a copy of which shall be furnished by  
4 the Commissioner (~~of-Labor~~) to any person applying therefor. The  
5 Commissioner (~~of-Labor~~) is also vested and has the power and  
6 authority to revoke or suspend the license or permit of any judge, boxer,  
7 wrestler, manager, referee, matchmaker, timekeeper, second, or  
8 promoter for violation of any rule or regulation which may be  
9 promulgated by the Commissioner (~~of-Labor~~) or for the violation  
10 of any provision of this Law wherein the penalty is not  
11 specifically provided. Said Commissioner (~~of-Labor~~) is also to  
12 have the power and authority to forfeit the purse of any boxer,  
13 wrestler, manager or referee not to exceed Five Hundred Dollars  
14 (\$500.00) for the violation of any rule or regulation promulgated  
15 by the Commissioner (~~of-Labor~~) or any provision of this Law wherein  
16 the penalty is not specifically provided in Subsection (b) of  
17 Section 14, said moneys to be deposited to the credit of the  
18 General Revenue Fund ('Boxing-and-Wrestling-Enforcement-Fund').  
19 Any person who may be aggrieved (~~effected~~) by any penalty imposed  
20 by the Commissioner (~~of-Labor, -or-is-dissatisfied-with-the-same,~~)  
21 shall have the right to appeal to any District Court of Travis  
22 County, Texas. The substantial evidence rule shall apply to an  
23 appeal from an administrative decision. (~~the-trial-shall-be-de~~  
24 ~~novo-and-the-procedure-the-same-as-other-civil-cases-and-upon~~  
25 ~~such-trial-the-court-shall-have-the-same-power-as-the-commissioner~~  
26 ~~to-impose-the-penalties-herein-provided-for-the-violation-of-any~~  
27 ~~reasonable-rule-of-the-commissioner-or-any-provision-of-this-act~~

1 ~~wherein a penalty is not specifically provided.]"~~

2       Sec. 2. Sections 9, 13, and 17b, Chapter 241, Acts of the  
3 43rd Legislature, Regular Session, 1933, as amended (Article  
4 8501-1, et seq., Vernon's Texas Civil Statutes), are repealed.

5       Sec. 3. The importance of this legislation and the crowded  
6 condition of the calendars in both houses create an emergency and  
7 an imperative public necessity that the constitutional rule  
8 requiring bills to be read on three several days in each house  
9 be suspended, and this rule is hereby suspended, and that this  
10 Act take effect and be in force from and after its passage, and  
11 it is so enacted.

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H.B. No. 1691

(In the House--Filed March 13, 1975; March 24, 1975,  
read first time and referred to Committee on Labor.)

A BILL TO BE ENTITLED

AN ACT

relating to regulation of boxing and wrestling by the Texas  
Department of Labor and Standards; amending Sections 1, 2, 3, 4,  
5, 6, 8, 11, 12, 14, and 17c, Chapter 241, General Laws, Acts of  
the 43rd Legislature, Regular Session, 1933, as amended (Article  
8501-1, et seq., Vernon's Texas Civil Statutes), and adding Section  
8a, and repealing Sections 9, 13, and 17b; and declaring an  
emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Sections 1, 2, 3, 4, 5, 6, 8, 11, 12, and 17c,  
Chapter 241, General Laws, Acts of the 43rd Legislature, Regular  
Session, 1933, as amended (Article 8501-1, et seq., Vernon's Texas  
Civil Statutes), are amended, and Section 8a is added to read as  
follows:

"Section 1. (a) The promoting, conducting or maintaining  
of fistic combat or wrestling matches or exhibitions, boxing or  
sparring contests or exhibitions for money remuneration, purses  
or prize equivalent to be received by the participants or  
contestants, or where an admission fee thereto or therefor is  
charged or received, shall be lawful in Texas, ~~[except on Sunday]~~  
subject to such supervision by the Commissioner of the Texas  
Department of Labor and Standards ~~[Labor Statistics]~~ as the ~~[such]~~  
Commissioner possesses over theatres and employees thereof other  
than performers and under the further provisions hereof; provided,

1 however, that any such contests conducted by educational  
 2 institutions and/or Texas National Guard units and/or duly  
 3 recognized amateur athletic organizations shall be exempt from  
 4 the provisions of this Act as specified under Paragraph (b) of  
 5 this section.

6 "Sole jurisdiction and authority is hereby vested in the  
 7 Commissioner [~~of labor~~] to enforce the provisions of this Act  
 8 regulating the promoting, conducting or maintaining of fistic  
 9 combats, wrestling matches or exhibitions, boxing or sparring  
 10 contests or exhibitions for money remuneration, purse or prize  
 11 equivalent to be received by the participants or contestants; or  
 12 where an admission fee thereto or therefor is charged or received,  
 13 and he is hereby given specific authority to promulgate such rules  
 14 and regulations as shall become necessary in carrying out the  
 15 purposes of this Act, and shall have the power of refusal of  
 16 licenses or permits to boxers, wrestlers, managers, referees,  
 17 match-makers, timekeepers, seconds, promoters or judges if after  
 18 investigation applicant or applicants are found to be [~~of~~  
 19 ~~questionable character or~~] not entitled to same under the  
 20 provisions of this Act. [~~The definition of the words "boxer,"~~  
 21 ~~"wrestler," "manager," "referee," "matchmaker," "timekeeper,"~~  
 22 ~~"second," "promoter," together with the phrases "fistic combat,"~~  
 23 ~~"wrestling match," "boxing contest" as used in this Act shall be~~  
 24 ~~accepted as defined by the National Boxing Association and the~~  
 25 ~~National Wrestling Association, and the rules governing ring~~  
 26 ~~regulations of boxing and wrestling contests or sparring contests~~  
 27 ~~or exhibitions, their seconds and referees shall be in accordance~~

~~with those set out by the National Boxing Association and the National Wrestling Association. The definition of the phrases "Amateur Contestant" and "Amateur Contests" shall be that as set forth by the National Amateur Athletic Union.]~~

"If any person, firm or corporation be dissatisfied with any order, ruling or decision of said Commissioner, such aggrieved party may within thirty (30) days from the entry of such order, ruling or decision, appeal therefrom to the District Court of Travis County, Texas, and such Court may hear and determine such appeal, in term time or vacation~~(by trial de novo)~~. The substantial evidence rule shall apply in the appeal. If the aggrieved party shall prevail by final judgment, a certified copy thereof shall be presented to the Commissioner who shall comply with the terms thereof upon the payment of all fees incurred under the terms of this Act.

"(b) None of the provisions of this Act shall be applicable to or ~~and~~ enforced against:

"(1) All nonprofit amateur athletic associations chartered under the laws of the State of Texas including their affiliated membership clubs throughout the State for the promotion of amateur athletics.

"(2) Any contests or exhibitions between students of such institutions which are conducted by any college, school or university as part of the institution's athletic program.

"(3) Contests or exhibitions between members of such units which are conducted by any troop, battery, company or units of the Texas National Guard ~~(or Texas Defense Guard)~~. Provided,

1 none of the participants in such contests or exhibitions receive  
2 a money remuneration or purse or prize equivalent for their  
3 performance or services therein.

4 "Every person, club, organization or association of persons  
5 conducting or sponsoring amateur boxing or wrestling contests  
6 ~~where an admission fee is charged~~, except those specifically  
7 exempted, [~~where an admission fee is charged~~] shall be subject  
8 to the tax provision of this Act and shall conduct all wrestling  
9 matches, fistic combats, boxing or sparring contests of amateur  
10 standing under the conditions specified hereinafter.

11 "(1) The sanction and approval of the Commissioner [~~of~~  
12 ~~labor statistics~~] shall be secured at least seven (7) days prior  
13 to date of tournaments or contests, and all entries shall be filed  
14 with said amateur organization three (3) days prior to date of  
15 the tournaments or contests.

16 "(2) Such amateur organization shall have the responsibility  
17 of determining and sanctioning the amateur standing or status of  
18 each and every contestant who performs or appears in such amateur  
19 contests or tournaments.

20 "(3) Such amateur organization shall not be required to  
21 secure a license to conduct or promote amateur contests approved  
22 by the Commissioner [~~of labor statistics~~].

23 "(4) Such contests shall be subject to the supervision of  
24 the Commissioner [~~of labor statistics~~] and all profits derived  
25 from such contests shall be used in the development of amateur  
26 athletics.

27 "(5) No one shall be permitted to act as a referee or judge

1 in amateur contests except a person holding a license or permit  
2 from the Commissioner [~~of Labor Statistics~~].

3 "(6) All contestants shall be examined by a licensed  
4 physician within a reasonable time before they enter or engage  
5 in contests, and a licensed physician shall be in attendance at  
6 the ringside during the full course of the contests or tournaments.

7 "(7) No boxer, wrestler or manager licensed under this Act  
8 shall participate in any capacity during any amateur show or  
9 exhibition and said participation shall be deemed sufficient  
10 grounds for having his professional license suspended or revoked  
11 by the Commissioner [~~of Labor Statistics~~].

12 "Section 2. The Commissioner [~~of the Bureau of Labor~~  
13 ~~Statistics~~] shall deposit all moneys received by him from license  
14 and all other fees under the provisions of this Act in the State  
15 Treasury to the credit of the General Revenue Fund of the State.

16 "Section 3. As used in this Act:

17 "(1) 'Person' includes an individual, association, or  
18 corporation.

19 "(2) 'Commissioner' means the Commissioner of Labor  
20 Statistics, i.e. of the Texas Department of Labor and Standards.

21 "(3) 'Professional boxer or wrestler' means a person who  
22 competes for a money prize or purse in a boxing or wrestling  
23 contest, exhibition, or match, or one who teaches, pursues, or  
24 assists in the practice of boxing or wrestling as an occupation  
25 or for pecuniary gain.

26 "(4) 'Exhibition' means a demonstration of boxing or  
27 wrestling skills.



1       "(5) 'Judge' means a person who is at ringside during a  
2 boxing or wrestling match and who scores the participants in the  
3 match.

4       "(6) 'Referee' means a person who has general supervision  
5 of a boxing or wrestling match or exhibition, and who is in a  
6 place designated for him in the ring.

7       "(7) 'Promoter' means a person who [~~Each individual, firm,~~  
8 ~~club, copartnership, association, company or corporation which~~  
9 conducts any fistic combat, boxing, sparring or wrestling match,  
10 contest or exhibition ~~(is a promoter within the terms of this~~  
11 ~~Act); provided, that no person may~~ [~~individual, firm, club,~~  
12 ~~copartnership, association, company or corporation, nor any member,~~  
13 ~~shareholder, stockholder, officer, agent or representative of any~~  
14 ~~firm, copartnership, association, company or corporation shall]~~  
15 in any manner, either directly or indirectly, act as a promoter  
16 [~~as herein defined]~~ before or prior to such person[, ~~member,~~  
17 ~~shareholder, stockholder, officer, agent or representative]~~  
18 becoming and being a bona fide inhabitant and citizen of the State  
19 of Texas[, ~~and each such officer, agent or representative of any~~  
20 ~~such firm, club, copartnership, association, company or corporation~~  
21 ~~shall likewise be a bona fide inhabitant and citizen of the State~~  
22 ~~of Texas, and any person who shall aid or abet any person in~~  
23 ~~endeavoring to act as or become such promoter, and any person so~~  
24 ~~acting without being so qualified shall be deemed guilty of felony~~  
25 ~~swindling and shall be punished accordingly, and the charter or~~  
26 ~~any other business permit of any organization whose officer or~~  
27 ~~officers, agents or representatives shall be so convicted shall~~

1 ~~thereby be forfeited and their right to conduct such promotion~~  
2 ~~or contests terminated~~].

3       "(8) The terms 'boxer,' 'wrestler,' 'manager,' 'referee,'  
4 'judge,' 'matchmaker,' 'timekeeper,' 'second,' 'promoter,' 'fistic  
5 combat,' 'wrestling match,' 'boxing contest' shall be accepted  
6 as defined by the National Boxing Association and the National  
7 wrestling Association, and the rules governing ring regulations  
8 of boxing and wrestling contests or sparring contests or  
9 exhibitions, their seconds and referees shall be in accordance  
10 with those set out by the National Boxing Association and the  
11 National Wrestling Association. The definition of the phrases  
12 'amateur contestant' and 'amateur contests' shall be as set forth  
13 by the National Amateur Athletic Union.

14       "Section 4. No person [~~Before any individual, firm, club,~~  
15 ~~copartnership, association, company, or corporation~~] may act as  
16 a promoter of either boxing or wrestling until he has filed or  
17 caused [~~as herein defined, such promoter shall file or cause~~] to  
18 be filed with the Commissioner [~~of labor~~] at Austin, Texas, on  
19 such form as may be furnished by him a verified declaration or  
20 application, setting forth the true name, age, present actual  
21 residence, and length of time thereof, place where promoter will  
22 operate, and such other information as may be required by such  
23 printed forms when furnished. The [~~and the~~] application filed  
24 with the Commissioner [~~of labor~~] shall be accompanied with a  
25 registration or license fee, for which a permit or license may  
26 be issued by the [~~said~~] Commissioner [~~of labor~~], for the type of  
27 license applied for, such remittance to be in such form as by law

1 provided for other remittances to such officer, and the license  
 2 or [such] registration fee shall be an annual fee to be fixed by  
 3 the Commissioner on a uniform scale or basis. [Ten Dollars (~~\$10~~)  
 4 for Boxing Promoters license and Ten Dollars (~~\$10~~) for Wrestling  
 5 Promoters license in a city with a population not exceeding seven  
 6 thousand, five hundred (~~7,500~~); Twenty Dollars (~~\$20~~) in cities  
 7 with a population of seven thousand, five hundred and one (~~7,501~~)  
 8 to seventeen thousand, five hundred (~~17,500~~) inclusive; Thirty  
 9 Dollars (~~\$30~~) in cities with a population of seventeen thousand,  
 10 five hundred and one (~~17,501~~) to twenty five thousand (~~25,000~~),  
 11 inclusive; One Hundred Dollars (~~\$100~~) in cities with a population  
 12 of twenty five thousand and one (~~25,001~~) to seventy five thousand  
 13 (~~75,000~~), inclusive; and Two Hundred Dollars (~~\$200~~) in a city of  
 14 more than seventy five thousand (~~75,000~~) inhabitants, and any  
 15 person or group of persons acting as such promoter without so  
 16 registering and remitting such license fee, and having in their  
 17 possession a duly authorized permit, shall be deemed guilty of  
 18 felony swindling and shall be punished accordingly.]

19 "Section 5. (a) No person may conduct, hold, or give a  
 20 fistic combat match, boxing, sparring, or wrestling contest or  
 21 exhibition, until he has executed and filed with the Commissioner  
 22 a good and sufficient surety bond in the sum of \$1,000 subject  
 23 to the approval of the Commissioner and conditioned for the payment  
 24 of the tax hereby imposed.

25 "(b) The bond is to be in form and kind required of an  
 26 administrator of an estate in Texas.

27 "(c) The attorney general may institute suit on the bond

1 to recover delinquent taxes and the cost incurred in ascertaining  
2 the amount and recovery of the tax.

3 "(d) If the promoter conducts contests or exhibitions as  
4 a continuing enterprise or promotion, the bond shall (i) be annual  
5 in effect, (ii) continue in force until the last day of the fiscal  
6 year in which the bond is filed and approved and (iii) run  
7 concurrent with the time for which the license is issued, unless  
8 default be made by the principal or the sureties become  
9 insufficient in the judgment of the Commissioner. (Before any  
10 individual, firm, club, copartnership, association, company, or  
11 corporation may conduct, hold or give any fistie combat, match,  
12 boxing, sparring, or wrestling contest or exhibition, such promoter  
13 shall execute and file with the Commissioner of Labor a good and  
14 sufficient surety bond in the sum of Three Hundred Dollars (\$300)  
15 where the combat is to be held in a city of not more than seventy  
16 five hundred (7500) population, Five Hundred Dollars (\$500) where  
17 the combat is to be held in a city with a population from seven  
18 thousand, five hundred and one (7,501) to seventeen thousand,  
19 five hundred (17,500), inclusive, Seven Hundred and Fifty Dollars  
20 (\$750) where the combat is to be held in a city whose population  
21 is between seventeen thousand, five hundred and one (17,501) and  
22 twenty five thousand (25,000), inclusive, One Thousand Dollars  
23 (\$1,000) in cities whose population is in excess of twenty five  
24 thousand (25,000), subject to the approval of the Commissioner  
25 and conditioned for the payment of the tax hereby imposed, said  
26 bond to be in form and kind required of an administrator of an  
27 estate in Texas, and the Attorney General in a Court of competent

1 ~~jurisdiction in Travis County, Texas, or any other Court having~~  
2 ~~jurisdiction, may institute suit upon such bond to recover any~~  
3 ~~delinquent tax and the cost incurred in ascertaining the amount~~  
4 ~~and recovery of such tax, provided, if such promoter conducts~~  
5 ~~such contests or exhibitions as a continuing enterprise or~~  
6 ~~promotion, such bond shall be annual in effect and continue in~~  
7 ~~force until the last day of the fiscal year in which same is filed~~  
8 ~~and approved and shall run concurrent with the time for which~~  
9 ~~license is issued, unless default be made by the principal thereof~~  
10 ~~or the sureties thereon become insufficient in the judgment of~~  
11 ~~the Commissioner of Labor.]~~

12 "Section 6. A person who ~~[Each individual firm, club,~~  
13 ~~copartnership, association, company or corporation which]~~ conducts  
14 any fistic combat, boxing, sparring or wrestling match, contest  
15 or exhibition wherein the contestants or participants receive a  
16 money remuneration, purse, or prize equivalent for their  
17 performance or services in same, and/or where an admission fee  
18 is charged or received, shall furnish to the Commissioner of Labor  
19 Statistics at Austin, Texas, within forty-eight (48) hours after  
20 the termination of such match, contest or exhibition, a duly  
21 verified report thereof showing the number of tickets sold, the  
22 various prices received therefor, and the amount of gross receipts  
23 for the total number of tickets sold therefor, and at the same  
24 time shall attach to the Commissioner of Labor's report legal  
25 tender or make proper form of money order or exchange payable to  
26 the State Treasurer in the amount of tax for three per centum  
27 (3%) of the total gross receipts from the sale of tickets of

1 admission to such contest, which tax shall be deposited to the  
2 credit of the General Revenue Fund [~~Boxing and Wrestling~~  
3 ~~Enforcement Fund~~]. No other fee or tax either general or local,  
4 than as herein provided, shall be assessed against or levied upon  
5 any such match, contest or exhibition, contestant or manager, or  
6 promoter thereof."

7 "Section 8. (a) No person may perform as a boxer, wrestler,  
8 manager, referee, judge, matchmaker, timekeeper, or second or  
9 render service for remuneration in contests with or on the same  
10 card with licensed contestants, until he has filed with the  
11 Commissioner on forms promulgated by the Commissioner a certified  
12 application. The application must contain the name, age, present  
13 actual residence, and length of time thereof and other information  
14 required by the Commissioner. The application shall be accompanied  
15 with an annual license fee fixed by the Commissioner on a uniform  
16 scale or basis.

17 "(b) A Deputy Labor Commissioner may appoint necessary  
18 local officials for a single boxing or wrestling show and issue  
19 a license without charge.

20 "(c) The Commissioner shall establish procedures for a  
21 qualified person present at the match to appoint a substitute for  
22 a referee, second, timekeeper, or other officiating person who  
23 fails to present himself at the time of the bout. (Before any  
24 person may perform or act as boxer, wrestler, or manager of such  
25 boxer or wrestler, or matchmaker for a promoter of boxing and  
26 wrestling contests or exhibitions, where such boxer, wrestler,  
27 manager, or matchmaker performs or renders service for money

1 ~~remuneration purse or prize equivalent, or may appear or perform~~  
2 ~~without remuneration in contests with or on the same card with~~  
3 ~~licensed contestants, such person shall file with the Commissioner~~  
4 ~~of labor at Austin, Texas, on such form as may be furnished by~~  
5 ~~him a verified declaration or application, setting forth the true~~  
6 ~~name, age, present actual residence, and length of time thereof,~~  
7 ~~place where and party with whom filed if other than with the~~  
8 ~~Commissioner of labor at Austin, Texas, as is herein provided,~~  
9 ~~and such other information as may be required by such printed~~  
10 ~~forms, and the application shall be accompanied with a license~~  
11 ~~fee, such remittance to be in such form as by law provided for~~  
12 ~~other remittances to such officer, and such license fee shall be~~  
13 ~~Five Dollars (\$5) for each boxer or wrestler and Fifteen Dollars~~  
14 ~~(\$15) for each manager of a boxer or wrestler, and Fifteen Dollars~~  
15 ~~(\$15) for each matchmaker for a promoter of boxing and wrestling~~  
16 ~~or otherwise for a boxer or wrestler, provided further that a~~  
17 ~~license good for thirty (30) days only may, upon receipt of proper~~  
18 ~~application, and when approved by the Commissioner of labor, be~~  
19 ~~issued to a boxer or a wrestler, for a fee of One Dollar (\$1),~~  
20 ~~And it is further provided that each manager shall file with the~~  
21 ~~Commissioner of labor a copy of each and every contract entered~~  
22 ~~into with a boxer or wrestler, and any person acting or performing~~  
23 ~~without so registering and remitting such license fee shall be~~  
24 ~~deemed guilty of misdemeanor swindling and shall be punished~~  
25 ~~accordingly,~~

26 ~~it is further provided that before any person may perform~~  
27 ~~or act as second to a boxer or wrestler, or timekeeper at a boxing~~

1 ~~or wrestling contest, or referee of boxing and wrestling contests~~  
2 ~~or exhibitions, such person shall file with the Commissioner of~~  
3 ~~labor at Austin, Texas, on such form as may be furnished by said~~  
4 ~~Commissioner, a verified declaration or application, setting forth~~  
5 ~~the true name, age, present actual residence, and length of time~~  
6 ~~thereof, place where and party with whom filed, if other than with~~  
7 ~~the Commissioner of labor at Austin, Texas, as is herein provided,~~  
8 ~~and such other information as may be required by such printed~~  
9 ~~forms, and the application shall be accompanied with a license~~  
10 ~~fee, such remittance to be in such form as by law provided for~~  
11 ~~other remittances to such officer, and such license fee shall be~~  
12 ~~Ten Dollars (\$10) for such referee, provided, however, that a~~  
13 ~~deputy commissioner of labor may appoint a referee for a single~~  
14 ~~boxing or wrestling combat, and issue the license therefor, and~~  
15 ~~said license fee shall be One Dollar (\$1), and Two Dollars and~~  
16 ~~Fifty Cents (\$2.50) for each second and timekeeper, provided,~~  
17 ~~however, that a deputy labor commissioner may appoint said second~~  
18 ~~and timekeeper and other necessary local officials for any single~~  
19 ~~boxing or wrestling combat and issue a license therefor without~~  
20 ~~charge, and provided further that adequate provisions shall be~~  
21 ~~made for some person of proper authority present at the match to~~  
22 ~~appoint a substitute for any referee, second, timekeeper, or any~~  
23 ~~other officiating person who fails to present himself at the time~~  
24 ~~of the bout, and provided further that any person acting in any~~  
25 ~~of the above named capacities or performing without registering~~  
26 ~~and remitting such license fees as are herein required shall be~~  
27 ~~deemed guilty of misdemeanor swindling and shall be punished~~



accordingly.] "

"Section 8a. Pending investigation of the qualifications or fitness of an applicant for a license, the Commissioner may grant an applicant a temporary license to act in the capacity for which a license is required. The granting of a temporary license carries no presumption of the qualification or fitness of the applicant having the temporary license, the temporary license may be terminated if the application for a license is denied by the Commissioner. No temporary permit may be issued to a boxer whose application is not accompanied by eye examination and physical report from the examining physicians."

"Section 11. No person may: ~~[No individual, firm, club, copartnership, association, company or corporation shall]~~

~~[(a) Hold or conduct any fistic combat match, boxing, sparring or wrestling contest or exhibition on Sunday, or]~~

"~~(1)~~ ~~[(b)]~~ Knowingly permit any person under the age of eighteen (18) years to participate in any professional fistic combat match, boxing, sparring or wrestling contest or exhibition; or,

~~[(c) Knowingly permit any person under the age of twenty-one (21) years to participate in any professional championship fistic combat match, boxing, sparring or wrestling contest or exhibition, or]~~

"~~(2)~~ ~~[(d)]~~ Permit any gambling or betting or wagering of any character on the result of, or any contingency in connection with any fistic combat match, boxing, sparring or wrestling contest or exhibition, either before or during any such contests; or,

"(3) [~~4~~→] Knowingly conduct or give or participate in or permit any sham or fake fistic combat match, boxing, sparring or wrestling contest or exhibition except it be as a burlesque; or,

"(4) [~~4~~→] Permit any contestant for or participant in any fistic combat match, boxing, sparring or wrestling contests or exhibition to enter the same unless such contestant first shall have been examined on the same day as [~~within two (2) hours prior to~~] entering the ring, by a duly licensed and practicing physician who is a resident of the state [~~bona fide inhabitant and citizen of the State of Texas~~], nor then, if such physician finds the facts to be that such contestant is physically unfit to engage in such contest, and such physician shall so certify in writing if he finds the fact so to be, and the promoter of such contest shall deliver such report of examination to the Commissioner [~~of Labor-Statistics~~] with the gross receipts tax report, and a duly licensed and practicing physician who is a bona fide inhabitant of the State of Texas shall remain in attendance during the entire time of such match, contest or exhibition; provided, in the event of an emergency in the nature of one or more of the contestants failing, refusing or otherwise being unable to perform as scheduled or agreed, nothing herein shall be construed to prevent the substitution of another contestant or contestants in place of those failing or refusing or being unable to perform as scheduled and any physical examination of a contestant required by this Act may thus be waived by such contestant upon the latter stating in writing that he is physically fit; or,

"(5) [~~4~~→] Permit any fistic combat match, boxing or

1 sparring contest or exhibition for more than ten (10) rounds  
2 duration, except in a championship match which shall not exceed  
3 fifteen (15) rounds; or,

4 "~~(6)~~ [~~4~~→] Permit one round of such match, contest or  
5 exhibition to extend for a longer period than three (3) minutes;  
6 or,

7 "~~(7)~~ [~~4~~→] Permit less than one minute intermission between  
8 each round; or,

9 "~~(8)~~ [~~4~~→] Permit any fistic combat match, boxing or  
10 sparring contest or exhibition without the use of padded gloves  
11 of standard make, weighing at least six (6) ounces each, or permit  
12 such gloves worn by each of the opposing contestants to be of  
13 other than equal weight; or,

14 "~~(9)~~ [~~4~~→] Knowingly sell or cause to be sold or issued  
15 for any fistic combat match, boxing, sparring or wrestling contest  
16 or exhibition more tickets or invitations or passes purporting  
17 to admit anyone to such match, contest or exhibition, or otherwise  
18 to admit to the same more persons than are admissible according  
19 to the authorized capacity of the building or the part thereof  
20 actually used for such purpose; or, [7]

21 "~~(10) Verify or swear to a statement or report required~~  
22 ~~by this Act containing information known to be false.~~"

23 "Section 12. The Commissioner or a deputy commissioner may  
24 be present at a boxing or wrestling show or exhibition and may  
25 inspect forms or documents required by this Act, and may assist  
26 in the counting of the gross receipts and the preparing of the  
27 report. [~~The Commissioner of Labor or any Deputy Commissioner~~

1 ~~of labor statistics may be present at any boxing or wrestling~~  
2 ~~show or exhibition and may inspect any and all forms or documents~~  
3 ~~to be executed as prescribed by this Act, and may assist in the~~  
4 ~~counting of the gross receipts and the preparing of the report~~  
5 ~~thereon as herein provided, and the original copy of such report~~  
6 ~~together with physician's examination report shall be delivered~~  
7 ~~or mailed to the General Office of the Commissioner of Labor, at~~  
8 ~~Austin, Texas, by the promoter.] "~~

9 "Section 14. (a) Any person who acts as or aids another  
10 in acting as a promoter without being qualified or who acts as  
11 a promoter without having a valid permit in his possession is  
12 guilty of a Class A misdemeanor.

13 "(b) Except as provided in Subsection (a) of this section,  
14 any person who violates the provisions of this Act is guilty of  
15 a Class B misdemeanor.

16 ~~(Any individual, copartner or officer of such firm, club,~~  
17 ~~copartnership, association, company or corporation who violates~~  
18 ~~any of the provisions of this Act, for which a penalty is not~~  
19 ~~herein otherwise prescribed, shall be guilty of a misdemeanor,~~  
20 ~~and, upon conviction thereof, shall be punished by a fine of not~~  
21 ~~less than Twenty-five Dollars (\$25.00) nor more than Two Hundred~~  
22 ~~and Fifty Dollars (\$250.00), and by the revocation of the license~~  
23 ~~of such violator.] "~~

24 "Section 17c. The Commissioner shall ~~[of labor is hereby~~  
25 ~~empowered and it is hereby made his duty to]~~ promulgate any and  
26 all reasonable rules and regulations which may be necessary for  
27 the purpose of enforcing the provisions of this Law. Any such

1 rules and regulations, however, which may be promulgated by the  
2 Commissioner [~~of labor~~] before it shall become effective must be  
3 printed and filed as a public record in the office of the  
4 Commissioner [~~of labor~~], a copy of which shall be furnished by  
5 the Commissioner [~~of labor~~] to any person applying therefor. The  
6 Commissioner [~~of labor~~] is also vested and has the power and  
7 authority to revoke or suspend the license or permit of any judge,  
8 boxer, wrestler, manager, referee, matchmaker, timekeeper, second,  
9 or promoter for violation of any rule or regulation which may be  
10 promulgated by the Commissioner [~~of labor~~] or for the violation  
11 of any provision of this Law wherein the penalty is not  
12 specifically provided. Said Commissioner [~~of labor~~] is also to  
13 have the power and authority to forfeit the purse of any boxer,  
14 wrestler, manager or referee not to exceed Five Hundred Dollars  
15 (\$500.00) for the violation of any rule or regulation promulgated  
16 by the Commissioner [~~of labor~~] or any provision of this Law wherein  
17 the penalty is not specifically provided in Subsection (b) of  
18 Section 14, said moneys to be deposited to the credit of the  
19 General Revenue Fund [~~Boxing and Wrestling Enforcement Fund~~].  
20 Any person who may be aggrieved [~~affected~~] by any penalty imposed  
21 by the Commissioner [~~of labor, or is dissatisfied with the same~~]  
22 shall have the right to appeal to any District Court of Travis  
23 County, Texas. The substantial evidence rule shall apply to an  
24 appeal from an administrative decision. [~~the trial shall be~~  
25 ~~de novo and the procedure the same as other civil cases and upon~~  
26 ~~such trial the Court shall have the same power as the Commissioner~~  
27 ~~to impose the penalties herein provided for the violation of any~~

1 ~~reasonable rule of the Commissioner or any provision of this Act~~  
2 ~~wherein a penalty is not specifically provided.]"~~

3       Sec. 2. Sections 9, 13, and 17b, Chapter 241, Acts of the  
4 43rd Legislature, Regular Session, 1933, as amended (Article  
5 8501-1, et seq., Vernon's Texas Civil Statutes), are repealed.

6       Sec. 3. The importance of this legislation and the crowded  
7 condition of the calendars in both houses create an emergency and  
8 an imperative public necessity that the constitutional rule  
9 requiring bills to be read on three several days in each house  
10 be suspended, and this rule is hereby suspended, and that this  
11 Act take effect and be in force from and after its passage, and  
12 it is so enacted.

COMMITTEE REPORT

THE HONORABLE BILL CLAYTON  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

Date April 30, 1975

SIR:

We, your COMMITTEE ON

Labor

to whom was referred

NB 1691

(measure)

have had the same under consideration and beg to report back with the recommendation that it

( ) do pass, without amendment.

( ) do pass, with amendment(s).

(☒) do pass and be not printed; a committee substitute is recommended in lieu of the original measure.

~~The Committee recommends that this measure be placed on the ( Local / Consent ) Calendar.~~

This measure

( )  
(☒)

proposes new law.

amends existing law.

The measure was reported from Committee by the following Record Vote:

6 ayes  
0 nays  
0 present, not voting  
0 absent

Eddie Bernice Johnson  
Chairman

Return with Original Measure

BILL ANALYSIS

Background Information

The laws designed to regulate boxing and wrestling in Texas are enforced by the Department of Labor and Standards. Many of these laws have not been changed in many years, a condition which militates against good enforcement of such laws.

What the Bill Proposes to do

This bill proposes to update the laws governing boxing and wrestling, including the promoting, conducting and maintaining of such contests and exhibitions.

Section by Section Presentation of the Content

- Section 1.      sec.1. Changes the name of the Commissioner to the Commissioner of the Texas Department of Labor and Standards (eliminating Labor Statistics); adds exhibitions to covered events; eliminates the provisions for refusal if referees, match-makers, seconds, promoters or judges, if they are found to be "of questionable character"; and changes the right of appeal from a new trial to one based on the substantial evidence rule, and eliminates references to the Commissioner of Labor Statistics.
- sec. 3. Provides definitions of important terms. (p. 5-7)
- sec. 4. Provides the fixing of an annual fee to be set by the Commissioner on a uniform scale or basis.
- sec. 5. Requires the posting of a surety bond of at least \$300.00 before a person may hold a fistic combat match, boxing, sparring or wrestling contest or exhibition. If the promoter conducts contests or exhibition as a continuing enterprise or promotion, the bond shall be annual in effect. Said bond shall be conditioned for the payment of taxes.
- sec. 6. Persons who conduct events under this Act shall pay taxes from the sale of tickers, and said deposits shall be credited to the General Revenue Fund.
- sec. 7 & 8. Requires the filing of an application containing the name, age, present address and other information required by the Commissioner before performing as a boxer, wrestler, manager, judge, referee, match-maker or time-keeper; permits the granting of a temporary license during the pendency of an investigation of the application. Each manager shall file with the Commissioner a copy of each contract entered into with a boxer or wrestler.
- sec. 12. Permits the inspection of forms and documents under this Act, and the assisting in the counting of gross receipts and the preparing of the report by the Commissioner or a deputy commissioner.
- sec. 14. A person who unlawfully acts as or aids another as a promoter or acts as a promoter without possessing a valid permit is guilty of a Class A Misdemeanor. Except where expressly provided otherwise, all violations of this Act are Class B Misdemeanor.
- Section 2.      Repeals sections 9, 13 and 17b, Article 8501-1, et seq., Vernon's Texas Civil Statutes.
- Section 3.      Declares emergency.

Summary of Committee Action



Summary of Committee Action:

The Committee posted notice in accordance with Rule VIII, Section 13, and considered H.B. No. 1691 in a ( public hearing )  
on April 23, 1975.

The measure was referred to subcommittee and reported back favorably ( with )  
substitute ~~amendments~~ on April 28, 1975.

The Committee voted, on April 30, 1975,  
by a record vote of 6 ayes and 0 nays, to report  
the measure back to the House favorably ( with ) ~~amendments.~~ without substitute.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 1, 1975

Honorable Eddie Bernice Johnson, Chairman  
Committee on Labor  
House of Representatives  
Austin, Texas

In Re: House Bill No. 1691  
By: Salem

Madam:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of House Bill No. 1691 (relating to regulation of boxing and wrestling by the Texas Department of Labor and Standards) to be as follows:

The probable revenues from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Fiscal Year	
1976	\$ 92,819
1977	94,993
1978	97,207
1979	99,479
1980	101,809

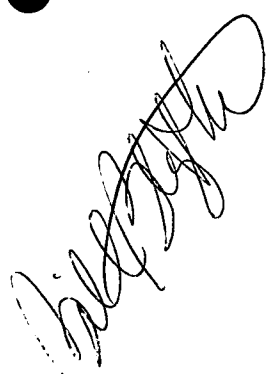
The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Fiscal Year	
1976	\$104,775
1977	115,573
1978	115,573
1979	115,573
1980	115,573

Similar annual fiscal results will continue as long as the provisions of the bill are in effect.

  
Thomas M. Keel  
Director

COMMITTEE AMENDMENT NO. \_\_\_\_\_



Amend H. B. No. 1691 by striking all below the enacting clause and substituting the following:

10           Section 1. Sections 1, 2, 3, 4, 5, 6, 8, 11, 12, and 17c,  
11 Chapter 241, General Laws, Acts of the 43rd Legislature, Regular  
12 Session, 1933, as amended (Article 8501-1, et seq., Vernon's Texas  
13 Civil Statutes), are amended, and Section 8a is added to read as  
14 follows:

15           "Section 1. (a) The promoting, conducting or maintaining  
16 of fistic combat or wrestling matches or exhibitions, boxing or  
17 sparring contests or exhibitions for money remuneration, purses  
18 or prize equivalent to be received by the participants or  
19 contestants, or where an admission fee thereto or therefor is  
20 charged or received, shall be lawful in Texas, ~~[except on Sunday]~~  
21 subject to such supervision by the Commissioner of the Texas  
22 Department of Labor and Standards ~~[Labor Statistics]~~ as the ~~[such]~~  
23 Commissioner possesses over theatres and employees thereof other  
24 than performers and under the further provisions hereof; provided,

1 however, that any such contests conducted by educational  
 2 institutions and/or Texas National Guard units and/or duly  
 3 recognized amateur athletic organizations shall be exempt from  
 4 the provisions of this Act as specified under Paragraph (b) of  
 5 this section.

6 "Sole jurisdiction and authority is hereby vested in the  
 7 Commissioner ~~(of labor)~~ to enforce the provisions of this Act  
 8 regulating the promoting, conducting or maintaining of fistic  
 9 combats, wrestling matches or exhibitions, boxing or sparring  
 10 contests or exhibitions for money remuneration, purse or prize  
 11 equivalent to be received by the participants or contestants; or  
 12 where an admission fee thereto or therefor is charged or received,  
 13 and he is hereby given specific authority to promulgate such rules  
 14 and regulations as shall become necessary in carrying out the  
 15 purposes of this Act, and shall have the power of refusal of  
 16 licenses or permits to boxers, wrestlers, managers, referees,  
 17 match-makers, timekeepers, seconds, promoters or judges if after  
 18 investigation applicant or applicants are found to be ~~(of~~  
 19 ~~questionable character or)~~ not entitled to same under the  
 20 provisions of this Act. If the financial responsibility,  
experience, character, and general fitness of an applicant for a  
license or a renewal, including the officers and stockholders of a  
corporation, are consistent with the public interest, and with the  
best interests of boxing and wrestling, the commissioner may grant  
a license in accordance with the provisions contained in this Act.

21 ← [The definition of the words—boxer,  
 22 wrestler, manager, referee, matchmaker, timekeeper,  
 23 second, promoter, together with the phrases—fistic combat,  
 24 wrestling match, boxing contest—as used in this Act shall be  
 25 accepted as defined by the National Boxing Association and the  
 26 National Wrestling Association, and the rules governing ring  
 27 regulations of boxing and wrestling contests or sparring contests  
or exhibitions, their seconds and referees shall be in accordance

~~with those set out by the National Boxing Association and the  
National Wrestling Association. The definition of the phrases  
"Amateur Contestant" and "Amateur Contests" shall be that as set  
forth by the National Amateur Athletic Union.]~~

"If any person, firm or corporation be dissatisfied with  
any order, ruling or decision of said Commissioner, such aggrieved  
party may within thirty (30) days from the entry of such order,  
ruling or decision, appeal therefrom to the District Court of  
Travis County, Texas, and such Court may hear and determine such  
appeal, in term time or vacation ~~(by trial de novo)~~. The  
substantial evidence rule shall apply in the appeal. If the  
aggrieved party shall prevail by final judgment, a certified copy  
thereof shall be presented to the Commissioner who shall comply  
with the terms thereof upon the payment of all fees incurred under  
the terms of this Act.

"(b) None of the provisions of this Act shall be applicable  
to or ~~and~~ enforced against:

"(1) All nonprofit amateur athletic associations chartered  
under the laws of the State of Texas including their affiliated  
membership clubs throughout the State for the promotion of amateur  
athletics.

"(2) Any contests or exhibitions between students of such  
institutions which are conducted by any college, school or  
university as part of the institution's athletic program.

"(3) Contests or exhibitions between members of such units  
which are conducted by any troop, battery, company or units of  
the Texas National Guard ~~(or Texas Defense Guard)~~. Provided,

1 none of the participants in such contests or exhibitions receive  
2 a money remuneration or purse or prize equivalent for their  
3 performance or services therein.

4 "Every person, club, organization or association of persons  
5 conducting or sponsoring amateur boxing or wrestling contests  
6 ~~where an admission fee is charged~~, except those specifically  
7 exempted, [~~where an admission fee is charged~~] shall be subject  
8 to the tax provision of this Act and shall conduct all wrestling  
9 matches, fistic combats, boxing or sparring contests of amateur  
10 standing under the conditions specified hereinafter.

11 "(1) The sanction and approval of the Commissioner [~~of~~  
12 ~~labor statistics~~] shall be secured at least seven (7) days prior  
13 to date of tournaments or contests, and all entries shall be filed  
14 with said amateur organization three (3) days prior to date of  
15 the tournaments or contests.

16 "(2) Such amateur organization shall have the responsibility  
17 of determining and sanctioning the amateur standing or status of  
18 each and every contestant who performs or appears in such amateur  
19 contests or tournaments.

20 "(3) Such amateur organization shall not be required to  
21 secure a license to conduct or promote amateur contests approved  
22 by the Commissioner [~~of labor statistics~~].

23 "(4) Such contests shall be subject to the supervision of  
24 the Commissioner [~~of labor statistics~~] and all profits derived  
25 from such contests shall be used in the development of amateur  
26 athletics.

27 "(5) No one shall be permitted to act as a referee or judge

1 in amateur contests except a person holding a license or permit  
2 from the Commissioner [~~of Labor Statistics~~].

3 "(6) All contestants shall be examined by a licensed  
4 physician within a reasonable time before they enter or engage  
5 in contests, and a licensed physician shall be in attendance at  
6 the ringside during the full course of the contests or tournaments.

7 "(7) No boxer, wrestler or manager licensed under this Act  
8 shall participate in any capacity during any amateur show or  
9 exhibition and said participation shall be deemed sufficient  
10 grounds for having his professional license suspended or revoked  
11 by the Commissioner [~~of Labor Statistics~~].

12 "Section 2. The Commissioner [~~of the Bureau of Labor~~  
13 ~~Statistics~~] shall deposit all moneys received by him from license  
14 and all other fees under the provisions of this Act in the State  
15 Treasury to the credit of the General Revenue Fund of the State.

16 "Section 3. As used in this Act:

17 "(1) 'Person' includes an individual, association, or  
18 corporation.

19 "(2) 'Commissioner' means the Commissioner of Labor  
20 Statistics, i.e., of the Texas Department of Labor and Standards.

21 "(3) 'Professional boxer or wrestler' means a person who  
22 competes for a money prize or purse in a boxing or wrestling  
23 contest, exhibition, or match, or one who teaches, pursues, or  
24 assists in the practice of boxing or wrestling as an occupation  
25 or for pecuniary gain.

26 "(4) 'Exhibition' means a demonstration of boxing or  
27 wrestling skills.

1       "(5) 'Judge' means a person who is at ringside during a  
2       boxing or wrestling match and who scores the participants in the  
3       match.

4       "(6) 'Referee' means a person who has general supervision  
5       of a boxing or wrestling match or exhibition, and who is in a  
6       place designated for him in the ring.

7       "(7) 'Promoter' means a person who ~~[Each individual, firm,~~  
8       ~~club, copartnership, association, company or corporation which]~~  
9       conducts any fistic combat, boxing, sparring or wrestling match,  
10      contest or exhibition ~~[is a promoter within the terms of this~~  
11      ~~Act]; provided, that no person may [individual, firm, club,~~  
12      ~~copartnership, association, company or corporation, nor any member,~~  
13      ~~shareholder, stockholder, officer, agent or representative of any~~  
14      ~~firm, copartnership, association, company or corporation shall]~~  
15      in any manner, either directly or indirectly, act as a promoter  
16      ~~[as herein defined] before or prior to such person [member,~~  
17      ~~shareholder, stockholder, officer, agent or representative]~~  
18      becoming and being a bona fide inhabitant and citizen of the State  
19      of Texas ~~[and each such officer, agent or representative of any~~  
20      ~~such firm, club, copartnership, association, company or corporation~~  
21      ~~shall likewise be a bona fide inhabitant and citizen of the State~~  
22      ~~of Texas, and any person who shall aid or abet any person in~~  
23      ~~endeavoring to act as or become such promoter, and any person so~~  
24      ~~acting without being so qualified shall be deemed guilty of felony~~  
25      ~~swindling and shall be punished accordingly, and the charter or~~  
26      ~~any other business permit of any organization whose officer or~~  
27      ~~officers, agents or representatives shall be so convicted shall~~



1 ~~thereby be forfeited and their right to conduct such promotion~~  
2 ~~or contests terminated~~).

3       "(8) The terms 'boxer,' 'wrestler,' 'manager,' 'referee,'  
4 'judge,' 'matchmaker,' 'timekeeper,' 'second,' 'promoter,' 'fistic  
5 combat,' 'wrestling match,' 'boxing contest' shall be accepted  
6 as defined by the National Boxing Association and the National  
7 wrestling Association, and the rules governing ring regulations  
8 of boxing and wrestling contests or sparring contests or  
9 exhibitions, their seconds and referees shall be in accordance  
10 with those set out by the National Boxing Association and the  
11 National Wrestling Association. The definition of the phrases  
12 'amateur contestant' and 'amateur contests' shall be as set forth  
13 by the National Amateur Athletic Union.

14       "Section 4. ~~No person~~ ~~[Before any individual, firm, club,~~  
15 ~~copartnership, association, company, or corporation]~~ may act as  
16 a promoter of either boxing or wrestling until he has filed or  
17 caused ~~(as herein defined, such promoter shall file or cause)~~ to  
18 be filed with the Commissioner ~~[of Labor]~~ at Austin, Texas, on  
19 such form as may be furnished by him a verified declaration or  
20 application, setting forth the true name, age, present actual  
21 residence, and length of time thereof, place where promoter will  
22 operate, and such other information as may be required by such  
23 printed forms when furnished. ~~The~~ ~~(and the)~~ application filed  
24 with the Commissioner ~~[of Labor]~~ shall be accompanied with a  
25 registration or license fee, for which a permit or license may  
26 be issued by ~~the~~ ~~[said]~~ Commissioner ~~[of Labor]~~, for the type of  
27 license applied for, such remittance to be in such form as by law

provided for other remittances to such officer, and the license  
or [such] registration fee shall be an annual fee to be fixed by  
the Commissioner on a uniform scale or basis. ~~(Ten Dollars (\$10)~~  
~~for Boxing Promoters license and Ten Dollars (\$10) for Wrestling~~  
~~Promoters license in a city with a population not exceeding seven~~  
~~thousand five hundred (7,500); Twenty Dollars (\$20) in cities~~  
~~with a population of seven thousand five hundred and one (7,501)~~  
~~to seventeen thousand five hundred (17,500) inclusive; Thirty~~  
~~Dollars (\$30) in cities with a population of seventeen thousand~~  
~~five hundred and one (17,501) to twenty five thousand (25,000);~~  
~~inclusive; One Hundred Dollars (\$100) in cities with a population~~  
~~of twenty five thousand and one (25,001) to seventy five thousand~~  
~~(75,000); inclusive; and Two Hundred Dollars (\$200) in a city of~~  
~~more than seventy five thousand (75,000) inhabitants; and any~~  
~~person or group of persons acting as such promoter without so~~  
~~registering and remitting such license fee; and having in their~~  
~~possession a duly authorized permit, shall be deemed guilty of~~  
~~felony swindling and shall be punished accordingly.]~~

"Section 5. (a) No person may conduct, hold, or give a  
fistic combat match, boxing, sparring, or wrestling contest or  
exhibition, until he has executed and filed with the Commissioner  
a good and sufficient surety bond subject to the approval of the  
commissioner and conditioned for the payment of the tax hereby  
imposed. The commissioner shall fix the sum of the surety bond,  
but the sum may not be less than \$300.

"(b) The bond is to be in form and kind required of an  
administrator of an estate in Texas.

"(c) The attorney general may institute suit on the bond

1 to recover delinquent taxes and the cost incurred in ascertaining  
2 the amount and recovery of the tax.

3 "(d) If the promoter conducts contests or exhibitions as  
4 a continuing enterprise or promotion, the bond shall (i) be annual  
5 in effect, (ii) continue in force until the last day of the fiscal  
6 year in which the bond is filed and approved and (iii) run  
7 concurrent with the time for which the license is issued, unless  
8 default be made by the principal or the sureties become  
9 insufficient in the judgment of the Commissioner. (Before any  
10 individual, firm, club, copartnership, association, company, or  
11 corporation may conduct, hold or give any fistie combat, match,  
12 boxing, sparring, or wrestling contest or exhibition, such promoter  
13 shall execute and file with the Commissioner of Labor a good and  
14 sufficient surety bond in the sum of Three Hundred Dollars (\$300)  
15 where the combat is to be held in a city of not more than seventy  
16 five hundred (7500) population, Five Hundred Dollars (\$500) where  
17 the combat is to be held in a city with a population from seven  
18 thousand, five hundred and one (7,501) to seventeen thousand,  
19 five hundred (17,500), inclusive, Seven Hundred and Fifty Dollars  
20 (\$750) where the combat is to be held in a city whose population  
21 is between seventeen thousand, five hundred and one (17,501) and  
22 twenty five thousand (25,000), inclusive, One Thousand Dollars  
23 (\$1,000) in cities whose population is in excess of twenty five  
24 thousand (25,000), subject to the approval of the Commissioner  
25 and conditioned for the payment of the tax hereby imposed, said  
26 bond to be in form and kind required of an administrator of an  
27 estate in Texas, and the Attorney General in a Court of competent

~~jurisdiction in Travis County, Texas, or any other Court having~~  
~~jurisdiction, may institute suit upon such bond to recover any~~  
~~delinquent tax and the cost incurred in ascertaining the amount~~  
~~and recovery of such tax, provided, if such promoter conducts~~  
~~such contests or exhibitions as a continuing enterprise or~~  
~~promotion, such bond shall be annual in effect and continue in~~  
~~force until the last day of the fiscal year in which same is filed~~  
~~and approved and shall run concurrent with the time for which~~  
~~license is issued, unless default be made by the principal thereof~~  
~~or the sureties thereon become insufficient in the judgment of~~  
~~the Commissioner of Labor.]~~

"Section 6. A person who ~~(Each individual firm, club,~~  
~~copartnership, association, company or corporation which)~~ conducts  
 any fistic combat, boxing, sparring or wrestling match, contest  
 or exhibition wherein the contestants or participants receive a  
 money remuneration, purse, or prize equivalent for their  
 performance or services in same, and/or where an admission fee  
 is charged or received, shall furnish to the Commissioner ~~[of Labor~~  
~~statistics]~~ at Austin, Texas, within forty-eight (48) hours after  
 the termination of such match, contest or exhibition, a duly  
 verified report thereof showing the number of tickets sold, the  
 various prices received therefor, and the amount of gross receipts  
 for the total number of tickets sold therefor, and at the same  
 time shall attach to the Commissioner's ~~[of Labor's]~~ report legal  
 tender or make proper form of money order or exchange payable to  
 the State Treasurer in the amount of tax for three per centum  
 (3%) of the total gross receipts from the sale of tickets of

admission to such contest, which tax shall be deposited to the credit of the General Revenue Fund (~~Boxing and Wrestling Enforcement Fund~~). No other fee or tax either general or local, than as herein provided, shall be assessed against or levied upon any such match, contest or exhibition, contestant or manager, or promoter thereof."

"Section 8. (a) No person may perform as a boxer, wrestler, manager, referee, judge, matchmaker, timekeeper, or second or render service for remuneration in contests with or on the same card with licensed contestants, until he has filed with the Commissioner on forms promulgated by the Commissioner a certified application. The application must contain the name, age, present actual residence, and length of time thereof and other information required by the Commissioner. The application shall be accompanied with an annual license fee fixed by the Commissioner on a uniform scale or basis.

"(b) Each manager shall file with the commissioner a copy of each contract entered into with a boxer or wrestler.

"<sup>c</sup>(c) A Deputy Labor Commissioner may appoint necessary local officials for a single boxing or wrestling show and issue a license without charge.

"<sup>d</sup>(d) The Commissioner shall establish procedures for a qualified person present at the match to appoint a substitute for a referee, second, timekeeper, or other officiating person who fails to present himself at the time of the bout. ~~(Before any person may perform or act as boxer, wrestler, or manager of such boxer or wrestler, or matchmaker for a promoter of boxing and wrestling contests or exhibitions, where such boxer, wrestler, manager, or matchmaker performs or renders service for money~~

1 ~~remuneration-purse-or-prize-equivalent-or-may-appear-or-perform~~  
2 ~~without-remuneration-in-contests-with-or-on-the-same-card-with~~  
3 ~~licensed-contestants-such-person-shall-file-with-the-Commissioner~~  
4 ~~of-labor-at-Austin-Texas-on-such-form-as-may-be-furnished-by~~  
5 ~~him-a-verified-declaration-or-application-setting-forth-the-true~~  
6 ~~name-age-present-actual-residence-and-length-of-time-thereof~~  
7 ~~place-where-and-party-with-whom-filed-if-other-than-with-the~~  
8 ~~Commissioner-of-labor-at-Austin-Texas-as-is-herein-provided~~  
9 ~~and-such-other-information-as-may-be-required-by-such-printed~~  
10 ~~forms-and-the-application-shall-be-accompanied-with-a-license~~  
11 ~~fee-such-remittance-to-be-in-such-form-as-by-law-provided-for~~  
12 ~~other-remittances-to-such-officer-and-such-license-fee-shall-be~~  
13 ~~Five-Dollars-(5)-for-each-boxer-or-wrestler-and-Fifteen-Dollars~~  
14 ~~-(15)-for-each-manager-of-a-boxer-or-wrestler-and-Fifteen-Dollars~~  
15 ~~-(15)-for-each-matchmaker-for-a-promoter-of-boxing-and-wrestling~~  
16 ~~or-otherwise-for-a-boxer-or-wrestler-provided-further-that-a~~  
17 ~~license-good-for-thirty-(30)-days-only-may-upon-receipt-of-proper~~  
18 ~~application-and-when-approved-by-the-Commissioner-of-labor-be~~  
19 ~~issued-to-a-boxer-or-a-wrestler-for-a-fee-of-One-Dollar-(1)~~  
20 ~~And-it-is-further-provided-that-each-manager-shall-file-with-the~~  
21 ~~Commissioner-of-labor-a-copy-of-each-and-every-contract-entered~~  
22 ~~into-with-a-boxer-or-wrestler-and-any-person-acting-or-performing~~  
23 ~~without-so-registering-and-remitting-such-license-fee-shall-be~~  
24 ~~deemed-guilty-of-misdemeanor-swindling-and-shall-be-punished~~  
25 ~~accordingly~~

26 ~~It-is-further-provided-that-before-any-person-may-perform~~  
27 ~~or-act-as-second-to-a-boxer-or-wrestler-or-timekeeper-at-a-boxing~~

1 ~~or wrestling contest, or referee of boxing and wrestling contests~~  
2 ~~or exhibitions, such person shall file with the Commissioner of~~  
3 ~~labor at Austin, Texas, on such form as may be furnished by said~~  
4 ~~Commissioner, a verified declaration or application, setting forth~~  
5 ~~the true name, age, present actual residence, and length of time~~  
6 ~~thereof, place where and party with whom filed, if other than~~ with  
7 ~~the Commissioner of labor at Austin, Texas, as is herein provided,~~  
8 ~~and such other information as may be required by such printed~~  
9 ~~form, and the application shall be accompanied with a license~~  
10 ~~fee, such remittance to be in such form as by law provided for~~  
11 ~~other remittances to such officer, and such license fee shall be~~  
12 ~~Ten Dollars (\$10) for such referee, provided, however, that a~~  
13 ~~deputy commissioner of labor may appoint a referee for a single~~  
14 ~~boxing or wrestling combat, and issue the license therefor, and~~  
15 ~~said license fee shall be One Dollar (\$1) and Two Dollars and~~  
16 ~~Fifty Cents (\$2.50) for each second and timekeeper, provided,~~  
17 ~~however, that a deputy labor commissioner may appoint said second~~  
18 ~~and timekeeper and other necessary local officials for any single~~  
19 ~~boxing or wrestling combat and issue a license therefor without~~  
20 ~~charge, and provided further that adequate provisions shall be~~  
21 ~~made for some person of proper authority present at the match to~~  
22 ~~appoint a substitute for any referee, second, timekeeper, or any~~  
23 ~~other officiating person who fails to present himself at the time~~  
24 ~~of the bout, and provided further that any person acting in any~~  
25 ~~of the above named capacities or performing without registering~~  
26 ~~and remitting such license fees as are herein required shall be~~  
27 ~~deemed guilty of misdemeanor swindling and shall be punished~~

1 accordingly.]"

2 "Section 8a. Pending investigation of the qualifications  
3 or fitness of an applicant for a license, the Commissioner may  
4 grant an applicant a temporary license to act in the capacity for  
5 which a license is required. The granting of a temporary license  
6 carries no presumption of the qualification or fitness of the  
7 applicant having the temporary license. The temporary license may  
8 be terminated if the application for a license is denied by the  
9 Commissioner. No temporary permit may be issued to a boxer whose  
10 application is not accompanied by eye examination and physical  
11 report from the examining physicians."

12 "Section 11. No person may: ~~(No individual, firm, club,~~  
13 ~~copartnership, association, company or corporation shall)~~

14 ~~[(a) Hold or conduct any fistic combat match, boxing,~~  
15 ~~sparring or wrestling contest or exhibition on Sunday; or]~~

16 "[11 ~~(b)~~]" Knowingly permit any person under the age of  
17 eighteen (18) years to participate in any professional fistic  
18 combat match, boxing, sparring or wrestling contest or exhibition;  
19 or,

20 ~~[(c) Knowingly permit any person under the age of twenty-one~~  
21 ~~(21) years to participate in any professional championship fistic~~  
22 ~~combat match, boxing, sparring or wrestling contest or exhibition;~~  
23 ~~or]~~

24 "[12] ~~(d)~~" Permit any gambling or betting or wagering of  
25 any character on the result of, or any contingency in connection  
26 with any fistic combat match, boxing, sparring or wrestling contest  
27 or exhibition, either before or during any such contests; or,



"(3) [(4)] Knowingly conduct or give or participate in or permit any sham or fake fistic combat match, boxing, sparring or wrestling contest or exhibition except it be as a burlesque; or,

"(4) [(4)] Permit any contestant for or participant in any fistic combat match, boxing, sparring or wrestling contests or exhibition to enter the same unless such contestant first shall have been examined on the same day as ~~within two (2) hours prior to~~ entering the ring, by a duly licensed and practicing physician who is a resident of the state ~~bona fide inhabitant and citizen of the State of Texas~~, nor then, if such physician finds the facts to be that such contestant is physically unfit to engage in such contest, and such physician shall so certify in writing if he finds the fact so to be, and the promoter of such contest shall deliver such report of examination to the Commissioner ~~of Labor-Statistics~~ with the gross receipts tax report, and a duly licensed and practicing physician who is a bona fide inhabitant of the State of Texas shall remain in attendance during the entire time of such match, contest or exhibition; provided, in the event of an emergency in the nature of one or more of the contestants failing, refusing or otherwise being unable to perform as scheduled or agreed, nothing herein shall be construed to prevent the substitution of another contestant or contestants in place of those failing or refusing or being unable to perform as scheduled and any physical examination of a contestant required by this Act may thus be waived by such contestant upon the latter stating in writing that he is physically fit; or,

"(5) [(4)] Permit any fistic combat match, boxing or

1 sparring contest or exhibition for more than ten (10) rounds  
2 duration, except in a championship match which shall not exceed  
3 fifteen (15) rounds; or,

4 "~~(6)~~ [~~4~~→] Permit one round of such match, contest, or  
5 exhibition to extend for a longer period than three (3) minutes;  
6 or,

7 "~~(7)~~ [~~4~~→] Permit less than one minute intermission between  
8 each round; or,

9 "~~(8)~~ [~~4~~→] Permit any fistic combat match, boxing or  
10 sparring contest or exhibition without the use of padded gloves  
11 of standard make, weighing at least six (6) ounces each, or permit  
12 such gloves worn by each of the opposing contestants to be of  
13 other than equal weight; or,

14 "~~(9)~~ [~~4~~→] Knowingly sell or cause to be sold or issued  
15 for any fistic combat match, boxing, sparring or wrestling contest  
16 or exhibition more tickets or invitations or passes purporting  
17 to admit anyone to such match, contest or exhibition, or otherwise  
18 to admit to the same more persons than are admissible according  
19 to the authorized capacity of the building or the part thereof  
20 actually used for such purpose; or, (7)

21 "(10) Verify or swear to a statement or report required  
22 by this Act containing information known to be false."

23 "Section 12. The Commissioner or a deputy commissioner may  
24 be present at a boxing or wrestling show or exhibition and may  
25 inspect forms or documents required by this Act, and may assist  
26 in the counting of the gross receipts and the preparing of the  
27 report. [The Commissioner of Labor or any Deputy Commissioner

~~of labor statistics may be present at any boxing or wrestling~~  
~~show or exhibition and may inspect any and all forms or documents~~  
~~to be executed as prescribed by this Act, and may assist in the~~  
~~counting of the gross receipts and the preparing of the report~~  
~~thereon as herein provided, and~~ The original copy of such report  
 together with physician's examination report shall be delivered  
 or mailed to the Texas Department of Labor and Standards,  
[General Office of the Commissioner of Labor] Austin, Texas, by  
 the promoter.

"Section 14. (a) ~~Any person who acts as or aids another~~  
~~in acting as a promoter without being qualified or who acts as~~  
~~a promoter without having a valid permit in his possession is~~  
~~guilty of a Class A misdemeanor.~~

"(b) ~~Except as provided in Subsection (a) of this section,~~  
~~any person who violates the provisions of this Act is guilty of~~  
~~a Class B misdemeanor.~~

~~(Any individual, copartner or officer of such firm, club,~~  
~~copartnership, association, company or corporation who violates~~  
~~any of the provisions of this Act, for which a penalty is not~~  
~~herein otherwise prescribed, shall be guilty of a misdemeanor,~~  
~~and upon conviction thereof shall be punished by a fine of not~~  
~~less than Twenty-five Dollars (\$25.00) nor more than Two Hundred~~  
~~and Fifty Dollars (\$250.00), and by the revocation of the license~~  
~~of such violator.]~~"

"Section 17c. The Commissioner shall ~~(of labor is hereby~~  
~~empowered and it is hereby made his duty to)~~ promulgate any and  
 all reasonable rules and regulations which may be necessary for  
 the purpose of enforcing the provisions of this Law. Any such

1 rules and regulations, however, which may be promulgated by the  
2 Commissioner ~~(of labor)~~ before it shall become effective must be  
3 printed and filed as a public record in the office of the  
4 Commissioner ~~(of labor)~~, a copy of which shall be furnished by  
5 the Commissioner ~~(of labor)~~ to any person applying therefor. The  
6 Commissioner ~~(of labor)~~ is also vested and has the power and  
7 authority to revoke or suspend the license or permit of any judge,  
8 boxer, wrestler, manager, referee, matchmaker, timekeeper, second,  
9 or promoter for violation of any rule or regulation which may be  
10 promulgated by the Commissioner ~~(of labor)~~ or for the violation  
11 of any provision of this Law wherein the penalty is not  
12 specifically provided. Said Commissioner ~~(of labor)~~ is also to  
13 have the power and authority to forfeit the purse of any boxer,  
14 wrestler, manager or referee not to exceed Five Hundred Dollars  
15 (\$500.00) for the violation of any rule or regulation promulgated  
16 by the Commissioner ~~(of labor)~~ or any provision of this Law wherein  
17 the penalty is not specifically provided in Subsection (b) of  
18 Section 14, said moneys to be deposited to the credit of the  
19 General Revenue Fund ~~(Boxing and Wrestling Enforcement Fund)~~.  
20 Any person who may be aggrieved ~~(affected)~~ by any penalty imposed  
21 by the Commissioner ~~(of labor, or is dissatisfied with the same)~~  
22 shall have the right to appeal to any District Court of Travis  
23 County, Texas. The substantial evidence rule shall apply to an  
24 appeal from an administrative decision. ~~(the trial shall be~~  
25 ~~de novo and the procedure the same as other civil cases and upon~~  
26 ~~such trial the Court shall have the same power as the Commissioner~~  
27 ~~to impose the penalties herein provided for the violation of any~~

1 ~~reasonable rule of the Commissioner or any provision of this Act~~  
2 ~~wherein a penalty is not specifically provided.]~~"

3       Sec. 2. Sections 9, 13, and 17b, Chapter 241, Acts of the  
4 43rd Legislature, Regular Session, 1933, as amended (Article  
5 8501-1, et seq., Vernon's Texas Civil Statutes), are repealed.

6       Sec. 3. The importance of this legislation and the crowded  
7 condition of the calendars in both houses create an emergency and  
8 an imperative public necessity that the constitutional rule  
9 requiring bills to be read on three several days in each house  
10 be suspended, and this rule is hereby suspended, and that this  
11 Act take effect and be in force from and after its passage, and  
12 it is so enacted.

H.B. No. 1691 By C. Graham

A BILL TO BE ENTITLED  
AN ACT

relating to regulation of boxing and wrestling by the Texas Department of Labor and Standards; amending Sections 1, 2, 3, 4, 5, 6, 8, 11, 12, 14, and 17c, Chapter 241, General Laws, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 8501-1, et seq., Vernon's Texas Civil Statutes), and adding Section 8a, and repealing Sections 9, 13, and 17b; and declaring an emergency.

MAR 13 1975

1. Filed with the Chief Clerk of the House.

MAR 24 1975

2. Read first time and Referred to Committee on Labor

3-25-75

3. Fiscal note requested from Legislative Budget Board by Eddie Bernice Johnson

APR 30 1975

4. Reported favorably ~~(unfavorably)~~ (as amended) and sent to Printer MAY 1 1975 1:10 P M.

MAY 1 1975

5. Printed, distributed by Calendar Clerk and sent to Committee on Calendar 3:00 P M.

6. Read second time (amended) and ordered engrossed by (Non-record vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present and not voting).

7. Motion to reconsider the vote by which H. B. \_\_\_\_\_ was ordered engrossed and to table the motion to reconsider prevailed (failed) by (Non-record vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present and not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present and not voting.

9. Read third time (amended) and finally passed by following vote: (Non-record vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present and not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present and not voting).

\_\_\_\_\_  
Chief Clerk of the House

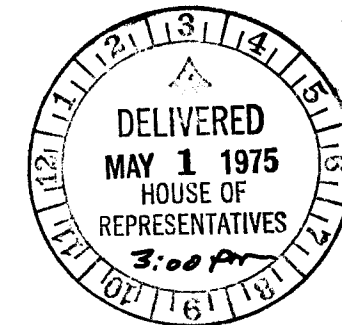
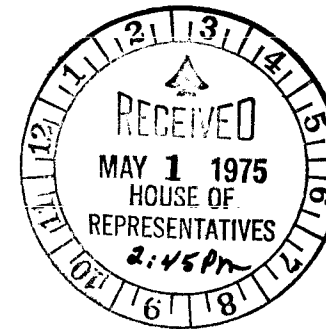
12. Sent to Engrossing Clerk \_\_\_\_\_

13. Engrossed.

\_\_\_\_\_  
Engrossing Clerk of the House

14. Returned to Calendar Clerk \_\_\_\_\_

15. Sent to Senate.



- \_\_\_\_\_ 16. Received from the House \_\_\_\_\_
- \_\_\_\_\_ 17. Read, referred to Committee on \_\_\_\_\_
- \_\_\_\_\_ 18. Reported favorably \_\_\_\_\_
- \_\_\_\_\_ 19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
- \_\_\_\_\_ 20. Ordered not printed.
- \_\_\_\_\_ 21. Regular order of business suspended by  
(a viva voce vote.  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.
- \_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.
- \_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.
- \_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.
- \_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays to place bill on third reading and final passage.
- \_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

- \_\_\_\_\_ 27. Returned to the House.
- \_\_\_\_\_ 28. Received from the Senate (with amendments).